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DATE: August 5, 2005

OFFICE CORRESPONDENCE FILE:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: STEVEN M. ROLLER, CAPTAIN
CENTURY STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE, SEPTEMBER 24, 2004, INVESTIGATION #2130220**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on September 24, 2004.

The Committee met on August 4, 2005, and consisted of myself and Commanders Kenneth Brazile (Commander of the Department), Eric Smith (Leadership and Training Division) and Robert Binkley (FOR III). The Committee deemed:

- as **Founded** the allegation that Deputy John MacDonald #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/050.10, Performance to Standards.
- as **Founded** the allegation that Deputy Anthony Geisbauer #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/050.10, Performance to Standards.

The Committee recommended that Deputy MacDonald receive a **Written Reprimand.**

The Committee recommended that Deputy Geisbauer receive a **Written Reprimand.**

JGJ:MAH:mh

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

Date: September 13, 2005
File No: IAB IV 2146058

FROM: STEVEN M. ROLLER, CAPTAIN
CENTURY STATION

TO: ANTHONY GEISBAUER, DEPUTY
CENTURY STATION

SUBJECT: WRITTEN REPRIMAND

Upon consideration of the facts developed in this investigation, I have determined that Subject Geisbauer will receive a written reprimand for the reason set forth in the attached documentation.

That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about September 24, 2004, you failed to conform to work standards established for your rank and/or position as evidenced by the following:

- You failed to find a knife on the person of Suspect Brian Bates during a cursory search of his person for weapons, and/or
- Placing Suspect Bates in the back seat of the radio car, unhandcuffed, during his detention, which resulted in Suspect Bates' ability to access a knife and stab Deputy MacDonald.

Steven M. Roller, Captain
Century Station

I have read and received a copy of this letter and understand that future violations of a similar nature will result in higher levels of discipline.

Anthony Geisbauer #[redacted] — Date: 09-14-05

Witness — Date: 9/14/05

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

Date: September 13, 2005
File No: IAB IV 2146058

FROM: STEVEN M. ROLLER, CAPTAIN
CENTURY STATION

TO: JOHN MACDONALD, DEPUTY
CENTURY STATION

SUBJECT: WRITTEN REPRIMAND

Upon consideration of the facts developed in this investigation, I have determined that Subject MacDonald will receive a written reprimand for the reason set forth in the attached documentation.

That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about September 24, 2004, you failed to conform to work standards established for your rank and/or position as evidenced by the following:

- You failed to find a knife on the person of Suspect Brian Bates during a cursory search of his person for weapons, and/or
- Placing Suspect Bates in the back seat of the radio car, unhandcuffed, during his detention, which resulted in Suspect Bates' ability to access a knife and stab you.

Steven M. Roller, Captain
Century Station

I have read and received a copy of this letter and understand that future violations of a similar nature will result in higher levels of discipline.

John MacDonald #[redacted] 09·14·05 Date

Witness 9-14-05 Date

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
CASE NUMBER IV 2146058
USE OF FORCE
TYPE: BROKEN BONE
IAB FILE # FO 2130220
URN 404-16295-2174-056

Subjects: **JOHN MACDONALD DEPUTY, #[redacted]**
ANTHONY GEISBAUER, DEPUTY, #[redacted]

Date: **September 24, 2004, (Friday)**

Time: **0050 Hours**

Location: **91st St. And Compton Ave., Los Angeles**

On April 26, 2005 Sergeant Richard Smith presented this case to the Executive Force Review Committee who requested an Administrative Investigation base on Performance to Standards wherein Deputies MacDonald and Geisbauer conducted an inadequate search of a suspect resulting in an injury to Deputy MacDonald.

This case pertains to an on-duty incident where Deputies John Macdonald and Anthony Geisbauer, assigned to Century Station as a patrol deputies contacted Suspect Brian Bates regarding a possible weapons violation investigation. Upon contacting Suspect Bates, Deputies MacDonald and Geisbauer conducted a pat down search of the suspect. After completing the search, Suspect Bates was placed in the rear seat of the deputies radio car, without handcuffs.

During the course of their investigation, Deputies MacDonald and Geisbauer discovered that Suspect Bates had an outstanding arrest warrant for $26,000. The deputies instructed Suspect Bates to remain in their vehicle, turn his back to the right rear passenger door and put his hands behind his back in order for them to handcuff Suspect Bates. Suspect Bates was instructed to do this numerous times and he refused to comply each time.

A supervisor and one additional patrol unit for back-up was requested and Witnesses Lieutenant John Babbit, Sergeant Richard Hiles and Deputies Steven Nobles and Joseph Cabral responded. After their arrival the decision was made to drive Suspect Bates away from the location prior to removing him from the radio car. This plan was based on Suspect Bates family members being at the original location of contact. At the incident location a plan was formulated wherein each Suspect Bates would be asked to exit the radio car to be handcuffed and if he refused he would be removed with each deputy assigned a position for a team takedown.

Deputy Macdonald opened the rear door of the radio car and instructed Suspect Bates to exit the car and turn to face the radio car. Suspect Bates exited the radio car, but instead of facing the radio car, attempted to flee. Each deputy grabbed one of Suspect Bates limbs and took him to the ground. On the ground Suspect Bates stabbed Deputy Macdonald in the right leg with a knife which was allegedly not discovered when Deputies Macdonald and Geisbauer searched Suspect Bates at the time of first contact.

INVOLVED PERSONNEL:

Deputy Macdonald, John, #[redacted]	MW/32	5'08"/195lbs
Deputy Geisbauer, Anthony, #[redacted]	MW/38	5'10"/210lbs

EMPLOYEE WORK HISTORY

Deputy Macdonald is a 9 year veteran of the Department and has been assigned to Century Station since March 26, 2000. [redacted]

Deputy Geisbauer is a 13 year veteran of the Department and has been assigned to Century Station since September 20, 1998. [redacted]

SUSPECT/WITNESS

Bates, Brian Kirkland, BK#8288507	MB/20	5'11"/170lbs

Suspect Bates criminal history includes [redacted]

INJURIES

Deputy Macdonald was treated for a puncture wound to his right calf and taken off work status for the remainder of his shift by Doctor Balderrama, St. Francis Hospital, Emergency Room Physician.

Suspect Bates was treated for a fractured rib by Doctor Lundy, Suburban Medical Center Emergency Room Physician, and cleared for regular booking.

PHYSICAL EVIDENCE

One fixed blade knife, four inches in length.
Compact Disc player.
Video tape of the incident.
Photograph of Deputy Macdonald's injury.

INVESTIGATOR OBSERVATIONS:

NONE

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Macdonald used a firm grip and his body weight.

Deputy Geisbauer used a firm grip and kneed Suspect Bates three times in the head.

WEAPONS USED BY SUSPECTS

Suspect Bates stabbed Deputy Macdonald with a four inch lock blade Buck knife.

PROPERTY DAMAGE:

NONE

CRIMINAL INVESTIGATOR AND CHARGES FILED:

Century Station, Operation Safe Streets Detective Jonas Shipe, #[redacted].

Detective Shipe filed one count of 245(C) P.C., Assault With a Deadly Weapon on a Peace Officer, four counts of 69 P.C., Assault on a Peace Officer, and one count of 12020(A)(4) p.c., Carrying a Concealed Dirk or Dagger on Suspect Bates.

LIGHTING OR WEATHER CONDITIONS:

This incident took place during the hours of darkness with standard street lighting. The weather was temperate and clear.

SUSPECT/WITNESS

Brian Bates, BK#8288507

Suspect Bates said that he was walking to the gas station when he was contacted by Deputies

Macdonald and Geisbauer. He put his hands in the air, walked to the deputies and allowed them to conduct a pat down search of his person. After he was searched, he was placed in the rear seat of the radio car, un-handcuffed. While in the rear seat of the radio car, he recognized one of the deputies as a deputy who had arrested him on another occasion for possession of marijuana. He said that "I felt caught. I felt trapped." While he was in the radio car he removed a knife from his right front pants pocket which the deputies had not found during their search. When he was removed from the radio car, he said he attempted to run so that he would not go to jail. He admitted stabbing Deputy Macdonald, saying that he was angry.

SUBJECTS

Deputy John MacDonald #[redacted]

Deputy MacDonald was interviewed by Internal Affairs Bureau Sergeants Richard Smith and John Harris on June 16, 2005 at the Internal Affairs Bureau. A transcript of that interview is included in this report.

Deputy Anthony Geisbauer #[redacted]

Deputy Geisbauer was interviewed by Internal Affairs Bureau Sergeants Richard Smith and John Harris on June 16, 2005 at the Internal Affairs Bureau. A transcript of that interview is included in this report.